



**U.S. DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
Office of National Marine Sanctuaries  
Stellwagen Bank National Marine Sanctuary  
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**28<sup>th</sup> SANCTUARY ADVISORY COUNCIL MEETING**

**22 October 2009 9:00 am—3:30 pm**

**Plymouth Yacht Club, Plymouth, MA**

**MINUTES of MEETING**

**Present:**

Bill Adler  
Regina Asmutis-Silvia  
Michelle Bachman  
Ed Barrett  
LT Dean Belanger  
Priscilla Brooks  
Deborah Cramer  
CPT Peter DeCola  
Richard Delaney  
Barry Gibson  
Kathryn Greene  
Heather Knowles  
Marty McCabe  
Margaret Merrill  
Steve Milliken  
Brendan O'Brien  
LT Kevin O'Brien  
Heather Rockwell  
Kathy Rodrigues  
John Williamson  
Mason Weinrich  
Dick Wheeler

Member:	Fixed Gear Commercial Fishing
Alternate:	Conservation
State:	NEFMC
Member:	Mobile Gear Commercial Fishing
State:	Mass Environmental Police
Alternate:	Conservation
Member:	At-Large
Federal:	USCG
Member:	Education (Vice Chair)
Member:	Recreational Fishing
Alternate:	At Large
Member:	Diving (Secretary)
Member:	Marine Transportation
Alternate:	Business/Industry
Member:	Whale Watching
Alternate:	At-Large
State:	Mass Environmental Police
Alternate:	Education
Federal:	NOAA Fisheries
Member:	Conservation
Member:	Research
Member:	Education

**SBNMS Staff:**

Craig MacDonald  
Ben Cowie-Haskell  
Nathalie Ward

Leila Hatch	Anne Smrcina	Paul Ticco
Matthew Lawrence	Elizabeth Stokes	
Deborah Marx	Liz Pomfret-Wiley	

**Others Present:**

Jennifer Anderson  
Allison Rosner

Todd Nickerson  
Stephan Claesson  
George Blanchard

## **I. Welcome, Review and Agenda and Approval of 28<sup>th</sup> SAC Minutes (Richard Delaney)**

i. Review of Agenda: The Agenda was reviewed. NOAA Office of Law Enforcement report was added to the Agenda.

ii. Approval of 27<sup>th</sup> SAC Minutes: The Minutes of the 27<sup>th</sup> SAC meeting were reviewed and approved

**MOTION**: Bill Adler with second by Ed Barrett motioned to approve the minutes.

**Minutes approved.**

## **II. SBNMS Business (Craig MacDonald)**

i. FY09 Budget/Continuing Resolution 2009-2010

Continuing Resolution will continue through November. Present budget remains fixed, based on FY09 funding level.

ii. Land Acquisition/Renovation

Craig MacDonald provided an overview of the work involved in expanding the boathouse operations now that the transaction for the land acquisition adjacent to the boathouse has been completed. He described requirements needed to provide support for the *R/V Auk*, operating out of the sanctuary. The boat operations facility would be available for other partnering vessels that team with sanctuary scientists or are conducting other work in the sanctuary. Several universities have expressed interest in partnering with sanctuary staff and have provided letters of intent. Renovations will be done to accommodate up to a 64-foot vessel, with wet and dry labs, equipment bay area, maintenance and repair area, and storage as well as a common area for use as a meeting facility. The upper level of the boat house will be for lodging with berthing for 12 people. Land acquired will be for overflow parking from use of the annex and increase in marine operations at the boat house. A copy of the Draft Feasibility Study for the boat house renovation is available for review.

iii. Draft Management Plan (DMP)—Update

The Final Management Plan should be published in February-March 2010 time frame. The timeline is two months for internal review within NOAA, followed by 3-4 weeks for printing. There are ongoing discussions with other agencies to expedite the review once it is sent to NOAA. The final plan will be in place for five years. A number of updates need to be done and new information incorporated into the final plan. SBNMS staff is working closely with NMFS on the revisions. Public comments are available for review on the SBNMS website. There will not be a 30-day comment period on the final plan. Craig will ask Headquarters if it is possible to get the plan to the SAC in advance of its release. Paul Ticco is the point person from Headquarters.

Comments and Discussion (Asmutis-Sylvia, Barrett, Brooks, Cramer, Delaney, Williamson, Weinrich):

The SAC has been very involved in developing the Management Plan. Every effort needs to be made to expedite the plan. If there is an issue among agencies regarding the final plan, the sanctuary superintendent should bring it forward to the SAC for assistance to help move the process forward. The SAC would like early notification of final plan's release and a summary of the changes made so members are prepared to respond to constituents. Q: Will responses be in the Federal Register? If responses do not answer questions, how can one follow through? MacDonald stated that according to regular procedure and how he has been instructed, there will not be responses in the Federal Register nor a summary of changes before release. He indicated that it may be possible to print a condensed account in *Soundings*, if budget and time allowed, as was the case with the DMP.

### III. SAC Business (Nathalie Ward)

#### i. SAC Terms/Recruitment/Elections

Nathalie Ward summarized election terms for Vice-Chair (Richard Delaney) and Secretary (Heather Knowles) whose terms have expired. No new nominations for these seats were submitted. Richard Delaney and Heather Knowles expressed an interest in renewing their terms.

**MOTION:** Bill Adler with second by Mason Weinrich to nominate Richard Delaney as Vice-Chairman.

**MOTION:** Motion by John Williamson with second by Bill Adler to nominate Heather Knowles as Secretary.

**MOTION:** John Williamson with second by Bill Adler that Richard Delaney and Heather Knowles be re-elected by acclamation. Yea: Unanimous, No - 0. **Motion passed.**

Nathalie apprised SAC members whose terms have expired. Two-year terms will be reinstated as three-year terms. Deadline for applications is 18 December COB. The SAC Charter was reformatted so that SAC terms are staggered from two-to three- year terms. Applications and Charter have been sent and members were asked to forward the application kit to constituents. Members need to let Nathalie Ward know if they do not want to reapply.

Terms that expired:

- Research (Peter Auster and Judith Pederson)
- Conservation (Priscilla Brooks)
- Education (Richard Delaney and Jack Crowley)
- Marine Transportation (Martin McCabe and Francis Morton)
- Recreational Fishing (Barry Gibson and Michael Sosik, Jr.)
- Mobile Gear Commercial Fishing (Ed Barrett and Vito Giacalone)
- At Large (Deborah Cramer)
- At Large (Porter Hoagland and Brendon O'Brien)

Discussion/Comments: (Asmustis-Sylvia, Cramer, Delaney, Gibson, MacDonald, Ward, Weinrich, Williamson):

Regina Asmutis-Sylvia: Concern about expiration of conservation seat. John Williamson should be an At-Large or Business/Industry Seat, not Conservation since he no longer represents a Conservation NGO. Priority should be given to representing a Conservation organization.

Richard Delaney: Language in Charter has some flexibility. SAC Executive Committee needs to discuss this further.

Craig MacDonald: Provided an explanation of subject paragraph in Charter and justification/reason why John Williamson can remain on SAC in his capacity as Conservation Member. He explained distinction between government members and non-government members. As an individual, John Williamson still has the background and can advise the sanctuary superintendent on matters of conservation.

Mason Weinrich: Concerned when a member is not properly representing their position and constituents. Position is an advisory role and member must be able to inform constituency. Need to maintain the two-way responsibility to constituency groups—must maintain the precedent. This is what SAC members do.

Craig MacDonald: Appreciates the SAC looking into the process. MacDonald stated that the SAC Charter states that a non-governmental *member* can serve in any of the 17 SAC seats. But notes there is a clear preference that they represent an organization. In this instance, however, he does not feel there are

grounds for vacating the seat. The Charter is quite explicit: if a person is qualified and has the experience, no matter what the position, a non-organizational *member* can still provide meaningful contribution to the SAC. If an individual has previously represented an organization and their position changes during their term, they can serve out their term if their expertise still serves the SAC.

Barry Gibson: Who determines what seat a specific organization would be appropriate for?

Craig MacDonald: Director of ONMS makes the decision. Open recruitment process and a review process by executive committee and SBNMS superintendent and recommendations are forwarded to Director, ONMS. But ultimately, decision is at Director level.

Richard Delaney: Need to stay institutionally on track and allow enough flexibility to retain good credibility and quality members in place. Executive Committee and a couple of other SAC folks will meet to review the SAC Charter to get a better understanding and consult with the sanctuary superintendent. This issue will be revisited.

## ii. SAC Programmatic Briefing Report

The programmatic briefing report provides an overview in writing of different programmatic efforts ongoing at the sanctuary office. It is a way of reaching out and keeping the SAC informed on programmatic activities. A correction to page 6 in the last Programmatic Report: IFAW volunteer on board is not sanctuary funded but IFAW funded.

Craig MacDonald introduced Liz Pomfret-Wiley, who is the new Volunteer Outreach Coordinator for the sanctuary. Liz Pomfret-Wiley previously worked with the Cape Cod Stranding Network and as a biologist for the New England Aquarium and NMFS. She will develop a volunteer program targeting colleges and universities, working through her university ties at Antioch University, Boston University and Bridgewater State College. Part of the Draft Management Plan was to recruit a Volunteer Outreach Coordinator as part of the SBNMS Volunteer Program. This is an official volunteer position run through IFAW and the sanctuary program.

## iii. SAC 2010 Schedule (Craig MacDonald)

The next SAC meeting will be held on 27 or 28 January 2010. Tentative dates for the spring meeting are 8, 9, or 10 June 2010.

## iv. SAC Charter Amendment - Disclaimer

As formally requested by the SAC at the 25 Feb 2009 meeting, Dan Basta, Director, ONMS, approved amending the SBNMS SAC Charter as follows (the word "solely" was deleted from Disclaimer):

- **OBJECTIVES AND ROLES**—paragraph 5 is revised to read:

“The council shall act as an advisory body to the sanctuary superintendent.”

- **OPERATION—Conduct of the Council as a Body**—paragraph 4(b). Is revised to read:

“The council is an advisory body.”

## v. Ship Time Letter (Paul Ticco and Craig MacDonald)

Many meetings were held at Headquarters with staff members who make the ship time decisions. Paul Ticco is still trying to get the *R/V Nancy Foster* for SBNMS. No final decisions have been made yet on the use of the Nancy Foster for FY10 or FY11. Bill Corso from headquarters, who had assisted SBNMS in the past to acquire ship time, is no longer involved. So there is uncertainty about getting the *Nancy*

*Foster* at this time. An alternative vessel is on its way from the west coast to New England. It could be available for use in the future, in addition to the *Nancy Foster*. It is an 85-foot research vessel but it may not meet sanctuary research and mission needs, and the cost for its use is also an issue. Message is clear at Headquarters that ship time on the *Nancy Foster* is needed. Paul Ticco and Craig MacDonald will keep the SAC informed.

Comment: Message needs to be taken back to Headquarters that not getting a vessel in a timely matter will affect data collection, and this is critical. There is very valuable time series in the research and we cannot afford to lose a season which affects timely data collection.

#### **IV. Future SAC Issues**

##### **i. Ocean Acidification (Kathi Rodrigues)**

Kathi Rodrigues gave a short presentation to explain ocean acidification. At the May SAC meeting, SBNMS and NMSF staff was asked to determine whether SBNMS should be considered as a sentinel site for ocean acidification. Ocean acidification is not ‘climate’ itself but is associated with climate change. NOAA is required to establish an ocean acidification program and develop strategies, and is looking at several areas to learn how ocean acidification affects the ecosystem. There is a NOAA National Research Plan that is being developed. The Northeast Regional Plan, which follows the National Research Plan, is led by the Northeast Fisheries Science Center. Collaboration is ongoing to have NMFS and SBNMS involved in the plan. Hopefully funding will be provided in the future for more research in the sanctuary.

**MOTION:** By Deborah Cramer with second by Mason Weinrich that SAC express support for the sanctuary to be a sentinel site on ocean acidification research and that a letter be written to that effect. Yes: Ed Barrett: Abstain.

Deborah Cramer will draft the letter to Dan Basta for signature by Sally Yozell and Richard Delaney.

##### **ii. Zoning Working Group ZWG (John Williamson)**

John Williamson presented the ZWG update and provided the following summary for the 28th SAC Minutes:

Since the last SAC meeting, the Zoning Working Group has met twice, in May and again on September 30.

As you may recall from the SAC discussion in February, the ZWG arose out of the discussions of the Ecosystem-based Management Working Group and the Ecosystem Alteration Working Group. Both groups recognized the need to consider the use of zoning to either restore ecological integrity or to establish reference areas, sites that act as “experimental controls” for ecological monitoring, within the sanctuary. Strategy 2.1 of the EA Action Plan calls for developing a process to establish reference areas that serve as benchmarks for discerning human and natural impacts on habitat (DMP:216). Strategy 4.1 of the EBM Action Plan calls for continuing to convene the zoning working group of the advisory council established in 2004 to: (1) evaluate the adequacy of existing zoning schemes in SBNMS, (2) address the scientific requirements to meet the goals of EBSM and, if needed (3) develop a modified zoning scheme including consideration of fully protected reserves.

The SAC’s charge to the ZWG is to evaluate the adequacy of existing zoning schemes for protecting ecological integrity and benthic habitat and make a recommendation to the SAC on the need for zones in the SBNMS within two years of publication of the Final Management Plan. A process was specified by the SAC that the ZWG was to follow to make its recommendation.

1. ZWG convenes and assigns a subgroup to come up with 2-3 operational definitions of ecological integrity with measurable parameters.

2. Subgroup makes recommendation on definition of ecological integrity appropriate for the SBNMS.
3. ZWG evaluates existing zoning scheme based on agreed upon criteria associated with the scientific requirements and goals of EBSM.
4. ZWG makes recommendation to SAC on adequacy of existing zoning scheme.
5. SAC makes recommendation to superintendent on adequacy of existing zoning scheme and future of the ZWG.
6. If necessary, the ZWG continues deliberations to develop a modified zoning scheme (including a consideration of fully protected reserves) for the purpose of meeting the scientific requirements and goals of EBSM within 2 years of final management plan implementation.

As of its meeting in August 2006, the ZWG had made it to step 2. After that the ZWG took a 3-year hiatus due to the staff being caught up with DMP submission. At its meeting in May, the re-convened ZWG (most of its former members agreed to continue the work) took up the task of identifying existing zones in the Sanctuary created by NOAA Fisheries for fishery management or marine mammal protection. – Industry members also added defacto zones where fishing rarely occurs to be included in the mix.

All of these existing zones have very specific purposes short of the Sanctuary's overarching goal for protecting ecological integrity. At the September meeting the ZWG examined each of these individual zones which partially or fully overlap the Sanctuary. In doing the evaluation, we used several criteria suggested by the Sanctuary staff and ended up amending these questions as we progressed. These were:

1. Does the zone contain a sufficient area of each of the four main habitat types such that each can support a viable benthic community and be monitored adequately?
2. Is it sufficiently protected from human disturbance for the intact biological communities to be considered to be representative of a natural or unperturbed state?
3. Is it of sufficient size to adequately restore and protect historical marine communities within it?
4. Does it contribute to functional resilience for the rest of the sanctuary?
5. Is it of sufficient size to provide spillover of biomass to surrounding areas?
6. Is it of sufficient size to provide a buffer for biological communities inside the zone from surrounding fishing activities?

No one of these existing zones does the job in itself but most contribute something to the Sanctuary's goals for EBM. At the next ZWG meeting we will examine the cumulative benefits of these existing zones together as well as try to identify the contribution of un-fished areas in the Sanctuary. However, the likelihood is that the ZWG will determine that existing zoning does not rise to the level of comprehensive protection for ecological integrity or provide a reasonable starting place for monitoring and experimentation to develop the comprehensive protection over time. If that is the consensus finding of the ZWG, we will move on to the next step of our charge, which is to develop recommendations to the SAC for a determination on the adequacy of existing zones and for a strategy to meet the "scientific requirements and goals of EBSM within 2 years of final management plan implementation".

### iii. SAC Leadership Awards Subcommittee (Nathalie Ward)

Nothing new to report at this time. The leadership award notification was published in the last issue of

*Soundings* and is posted to the SBNMS Website.

iv. Blues Seas Greening Subcommittee (Regina Asmutis-Sylvia)

Nothing to report.

v. Other Issues

Craig MacDonald reported that Dave Wiley was awarded the prestigious Department of Commerce (DOC) Gold Medal Award for Leadership. This is the highest form of honorary recognition that DOC bestows. Dave Wiley was recognized for his work in a leadership role on marine mammal research in the sanctuary.

Creative Resources Group President, Charlie Rasak, and Vice President, Dennis Huston, presented Anne Smrcina with the 2009 Telly Award. Anne Smrcina was the producer and writer for the production of the Stellwagen Bank sanctuary's informational video entitled "Stellwagen Bank: A Sanctuary Worth Protecting". The five-minute video introduces the sanctuary, its resources and resource protection. Over 200 videos were submitted from around the world. The Telly Awards was founded in 1978 to honor excellence in local, regional and cable TV commercials, with non-broadcast video and TV program categories added soon after that. The Telly is a prestigious award that is sought by international firms, local production companies and ad agencies. The video is posted on the sanctuary's Web site ([stellwagen.noaa.gov](http://stellwagen.noaa.gov)).

**V. Working Luncheon**—"Stellwagen Bank Marine Historical Ecology: Analyzing historical records to document long-term change in marine ecosystems" (Stefan Claesson)

Stefan Claesson, Research Scientist at University of New Hampshire, presented on the Gulf of Maine Cod Project (GMCP), History of Marine Animal Populations (HMAP). The project is a multi-year research project that utilizes historical documents and archaeological data to document long-term changes in the marine environment and to establish biological indicators and population trends for fishes in the Northwest Atlantic region. Mr. Claesson talked about research goals and summarized project findings, which are based on qualitative historical data information. More information regarding the GMCP HMAP project is available at <http://fishhistory.org>.

Comments/Discussion: (Adler, Barrett, Brooks, Cramer, Weinrich, Williamson):

Some members voiced concern about the accuracy of findings; issues other than fishing need to be taken into account (i.e., water quality, temperature changes, predator-prey relationships, ).

**VI. Programmatic Updates**

Marine Mammal Research—Summer 2009 (Leila Hatch)

Leila Hatch gave an update on marine mammal research and provided the following summary for the 28<sup>th</sup> SAC Minutes:

Leila Hatch gave an update on the status of research programs at the sanctuary. She reviewed activity taking place under the second of three years of funding from the National Oceanographic Partnership Program to monitor and map underwater noise in sanctuary waters and assess its impacts on vocally-active large whales and fish species. Specifically, she highlighted latest developments in acoustic propagation modeling of greater sanctuary waters showing spatial and temporal variation in sound produced by shipping, wind and calling whales over the course of months within frequency bands used by whales to communicate, as well as a process for quantifying the species-specific impacts of communication masking as developed through this collaborative research effort. She called on Mason

Weinrich to present highlights of this year's efforts to tag humpback whales, including the successful tagging of multiple whales feeding cooperatively. Accumulated data from this multi-year research effort is will be presented in a variety of publications in the coming year. Dr. Hatch then reviewed the status of the final year of research with collaborators from WHOI to investigate internal wave activity within the SBNMS and hypothesized predictive relationships for the distributions of feeding whales. Progress on analysis of large commercial ship tracking data collected via the US Coast Guard's Automatic Identification System (AIS) was presented, including recent work to map variation in vessel speed to assess variation in ship strike risk within sanctuary waters. Updates on mitigation and monitoring programs associated with the two Liquefied Natural Gas (LNG) import terminals adjacent to the sanctuary were discussed, including the use of AIS to transmit information on where right whales have been acoustically detected in real-time to LNG vessels to reduce risk of collision in the Boston shipping lanes. Finally, Dr. Hatch noted that five papers focused research in the SBNMS will be included in a forthcoming theme section of the *Marine Ecology Progress Series* focused on acoustic ecology. A list of fourteen poster and oral presentations from the *Biennial Meeting of the Society for Marine Mammalogy* in Quebec City in October for which a sanctuary researcher as a co-author or which presented work done in the sanctuary was also distributed, highlighting the importance of the sanctuary to research and management of marine mammal species.

## **VII. Partner and Constituent Reports**

### ii. NOAA Office of Law Enforcement (OLE) Update (Todd Nickerson)

Tuna fishing in the vicinity of large whales and interaction with whales: OLE has devoted funding for increased patrols each year. There is steadily increasing visibility on the water and a more streamlined reporting system. So OLE is heading in the right direction to reduce incidents of tuna fishing in the vicinity of whales. The reason for apparent reduction in incidents may be education outreach, *On the Water* magazine campaign spot, and environmental police patrols. Vessel Monitoring Data (VMS) is provided to the sanctuary for their purposes. This is just general information so that the staff knows how vessels are transiting the sanctuary; individual vessels are not mentioned. Fishermen are very compliant so this is generally a non-issue.

*RV Auk Investigation:* Todd Nickerson cannot comment on facts of the case, but reported that the preliminary investigation on the case is complete. He briefly explained the judicial process of the case. Nickerson is a sworn agent for NOAA and assured the SAC that he addressed the investigation in as neutral a way as possible. He gathered information and interviewed concerned parties. His findings were presented to the Federal Prosecutor in Boston who chose not to prosecute on a criminal case. The case has now been presented to the General Counsel in Gloucester, but no final decision has been made. Until a decision is reached, Nickerson cannot comment on the case. It is a civil process at this point; parties responsible could be fined.

Comments/Discussion: (Adler, Asmutis-Silvia, Barrett, Cramer, Delaney, McCabe, Milliken, Weinrich):

Craig MacDonald: Described the amended standing orders that establish guidelines for *AUK* operation around marine mammals. When developing a cruise plan, the PI needs to determine whether operations will occur in areas of high concentration of marine mammals. All projects expecting to transit through Seasonal Management Areas (SMA) or Dynamic Management Areas (DMA) require prior notification of the sanctuary superintendent. When Seasonal Management Areas (SMA) or Dynamic Management Areas (DMA) are in effect, the *Auk* needs to abide by the NOAA-recommended speed limit of 10 knots for vessels 65 feet or greater. When marine mammals are sighted while underway, the captain needs to post an additional dedicated lookout (when available) and the vessel's approach distance to whales must be operated in strict compliance with "NOAA's Whale Watching Guidelines: Northeast Region Including the Stellwagen Bank National Marine Sanctuary." A copy of these guidelines must be kept at the vessel's helm. MacDonald explained that upon subsequent review and evaluation, which is standard procedure, these policies may change. At the moment there is no plan to replace the *Auk*.



Discussion arose over whether the USCG had contacted the *Auk* prior to the whale strike incident, informing the vessel that it was exceeding the 10 kt speed limit for vessels greater than 65 ft, when the *Auk* was transiting the SMA enroute from Plymouth to Scituate. [The *Auk* is 50 ft in length and also being a federal vessel is exempt from this regulation]. MacDonald indicated that the *Auk* had received a call to that effect. But when he checked with the Coast Guard upon the *Auk*'s arrival in Scituate, he was told that the USCG had issued no such call. This incident appears to have been a hoax.

Regin Asmutis-Sylvia: Voiced concern about a 'near-miss' incident in the same vicinity the day prior to the *Auk* incident. Discussion ensued as to what constitutes a "near miss." She stated that the *R/V Auk* should abide by the same guidelines as whalewatch boats. MacDonald indicated that the *Auk* standing orders require that the NOAA whale watching guidelines are followed.

Mason Weinrich: He agrees that near misses are an undefined term.

Deborah Cramer: The *Auk* incident raised a severe public relations challenge. She works in a community that is generally hostile toward NOAA and the sanctuary; she referred to a recent article published in the *Gloucester Times*, and the difficulty it poses as a member of the SAC to respond to constituents.

Steve Milliken: Sanctuary is looked at as a role model. It is a complex situation. There is a lot being done and great preventative steps taken as far as whale watch boats are concerned to avoid whale strikes. Captains and mates go through WhaleSENSE training. He understands issues with speed problems. No matter how careful we are whales will get struck. Need to try to prevent these incidents.

Ed Barrett: These interactions happen. Everyone tries to avoid whales, but certainly it's a problem. As a SAC member, questioning the *Auk* as a platform. Consider replacing the *Auk* with a vessel that would be more efficient and a better working platform.

Marty McCabe: Believes there are very few near misses reported by any industry.

Richard Delaney: There is an expectation that the sanctuary has the highest possible standard of behavior and operations. The public expects this. There is a public relations problem with the sanctuary right now and this problem needs to be mitigated. Transparency is always helpful within the legal constraints. There are a lot of vessels out there and everyone is trying to operate by a model standard. Every possible precaution needs to be taken and the *Auk* needs to be the model.

## ii. NOAA Fisheries Regional Report (Kathi Rodrigues and Jennifer Anderson)

Kathi Rodrigues is moving on to another position within the NMFS. She introduced Jennifer Anderson who will be taking her place as the NMFS Designee to the SAC. Jennifer Anderson presented the NOAA Fisheries Regional Report and provided the following summary for the 28th SAC Minutes:

### Amendment 16 to the Northeast Multispecies FMP

- Amendment 16 is moving through the regulatory process on schedule.
- The final environmental impact statement (EIS) should file with the Environmental Protection Agency in the next few weeks where it will be available to the public for a final comment period.
- The proposed rule for Amendment 16 is expected to publish in December with a 30-day comment period.
- The action is expected to be implemented on May 1, 2010.

### Multispecies Sectors

- Seventeen sectors are moving forward at this time with an anticipated implementation date of May 1, 2010.
- Environmental assessments for all 17 sectors are under development and expected to be available along with the proposed rule by mid-December.

- NMFS has been very involved with outreach to sector participants including convening five workshops (primarily focused on data monitoring and the NEPA process), launching a sector-specific newsletter, and producing several sector fact sheets.

#### Framework 44 to the Northeast Multispecies FMP

- Framework 44 is also under development with a target implementation date of May 1, 2010.
- Framework 44 would implement allowable catch limits (ACL) for most of the groundfish stocks. ACLs are a new requirement of the reauthorized Magnuson-Stevens Act. This action would also implement total allowable catch limits for several stocks shared with Canada (Georges Bank cod, haddock, and yellowtail flounder).

#### Essential Fish Habitat (EFH) Omnibus Amendment

- The EFH Omnibus Amendment has been under development for some time. Much of the modeling work for the amendment is wrapping up and work on the development of alternatives should take place this winter.
- The document timeline calls for having the Council approve the draft EIS by spring 2010 and having the document out for public comment by late summer 2010.
- A final document is expected by summer 2011.

#### Atlantic Wolfish

- NMFS was petitioned to list Atlantic wolfish as threatened or endangered under the Endangered Species Act on October 1, 2008.
- In response to this petition, NMFS convened a biological review team to prepare a report on information relevant to the status of wolfish.
- The team provided this information to NMFS/NOAA and it is being used to make a listing determination.
- The listing determination is under review and publication of the agency's finding in the *Federal Register* is imminent.

#### iii. WhaleSENSE (Allison Rosner)

Allison Rosner, Marine Mammal Policy analyst for NMFS, gave an overview of the WhaleSENSE program that was designed specifically for whale watching companies and naturalists. The mission of WhaleSENSE is to promote responsible stewardship of large whales in the Northeast Region and recognize those commercial whale watching companies that set a positive standard for responsible practices. This program is voluntary and offered to participating companies at no charge. The acronym SENSE stands for Stick to NOAA's Northeast whale watching guidelines; Educate naturalists, operators, and guests to have SENSE when whale watching; Notify appropriate networks/agencies of right whales or whale problems; Set an example to others on the water; Encourage ocean stewardship.

Partnering organizations are NOAA, WDCCS, and SBNMS. WhaleSENSE is a voluntary, public awareness and education program, not a law enforcement program. George Blanchard (Hyannis Whale Watch) and Steve Milliken (Dolphin Fleet) provided information on the benefits and shortcomings of contributing to the program. For further information on the WhaleSENSE pilot program, contact the program coordinators, [Allison.Rosner@noaa.gov](mailto:Allison.Rosner@noaa.gov) or Regina-Asmutis.Sylvia@wdccs.org, or visit <http://www.whalesense.net/resources.php>.

#### iv. The SAC Dive - Recreational Diving Opportunities within the Sanctuary (Heather Knowles and Matthew Lawrence)

The presentation focused on diving opportunities within the sanctuary. There are several recreational diving sites within the sanctuary. A joint dive at one of the sanctuary's unknown shipwreck sites was organized this past summer between SAC diving and maritime heritage members, and sanctuary staff. The purpose of the dive was to explore an unknown shipwreck and attempt to document and film the site. A short video and description of the shipwreck site was presented. The joint dive was a good

collaboration between stakeholders and sanctuary staff who hope to make it an annual event.

## **VIII. New Business**

### **Right Whale Critical Habitat Petition**

Regina Asmutis-Silvia reported that conservation and animal welfare groups filed with the National Marine Fisheries Service a formal request to expand protected habitat for the critically endangered North Atlantic right whale along the entire east coast. The petition supports expanding existing critical habitat in areas that are essential to the feeding, mating, calving, nursing, and migration for the fewer than 400 North Atlantic right whales remaining in existence. The petition was filed jointly by The Humane Society of the United States, Defenders of Wildlife, Center for Biological Diversity, Ocean Conservancy, and The Whale and Dolphin Conservation Society. NMFS has 90 to respond to the petition.

**IX. Public Comment.** No public comment.

**X. Meeting Adjourned** At 3:00 pm.